

2009). The adverse party can consent to a longer extension or the district court can extend the restraining order for up to an additional 14 days, for good cause shown, under Rule 65(b). See Fed.R.Civ.P. 65(b)(2); Granny Goose Foods, Inc., 415 U.S. at 440.

Here, Defendant removed this action on July 19, 2019. At the time of removal, the state court had granted Plaintiff's Motion for a Temporary Restraining Order, filed contemporaneously with the Complaint, and the parties had consented to extension of that Order, resulting in the state court issuing a "Consent Order Continuing Temporary Restraining Order" on July 11, 2019. (Doc. No. 1-1, pp. 70-72; hereinafter "Consent Order.") The Consent Order set forth the terms of the TRO and provided it "shall remain in effect until the hearing on the motion for a preliminary injunction, unless extended before that time." (Id. at p. 71.) Prior to this case being removed to this Court, the state court had scheduled a hearing for July 22, 2019.

Based on the record before the Court, the Court finds the Consent Order shall continue for 14 days from the removal on July 19, 2019. See Fed. R. Civ. P. 65(b); 28 U.S.C.A. § 1450; Pantoja v. Countrywide Home Loans, Inc., 640 F. Supp. 2d 1177, 1183 n.5 (holding that where the Temporary Restraining Order stated it "remains in full force until a preliminary injunction hearing is held," the removal date and Fed. R. Civ. P. 65(b)(2) – and not the original hearing date set in state court – governed expiration date) (citing Granny Goose Foods, Inc., 415 U.S. at 440); see also Bryfogle v. Carvel Corp., 666 F. Supp. 730, 735 (E.D. Pa. 1987) ("A federal court, to which an action commenced in state court has been removed, has the authority to dissolve or modify injunctions and orders entered in state court prior to removal.")


TAKE NOTICE that a hearing on whether Plaintiff is entitled to a Preliminary Injunction shall take place on Monday, July 29, 2019, at 11:00 a.m. in Courtroom #1-1 of the Charles R.

Jonas Federal Building, 401 W. Trade Street, Charlotte, North Carolina, 28202. Each side shall be limited to twenty (20) minutes to present argument and evidence to the Court.

IT IS FURTHER ORDERED that Plaintiff shall file a revised motion and brief in support of their motion citing applicable federal law no later than 4:30 p.m. Wednesday, July 24, 2019. Defendant shall have until 4:30 p.m. on Friday, July 26, 2019, to file any responsive pleading.

IT IS SO ORDERED.

Signed: July 22, 2019


Frank D. Whitney
Chief United States District Judge 